

## REMARKS/ARGUMENTS

Claims 1-11 were previously pending. As noted above, claims 1-3, 5 and 7 have been amended, and claims 12-19 have been added. Support for these amendments may be found throughout the Specification.<sup>1</sup> Thus, claims 1-19 are now pending.

Applicants respectfully request reconsideration of this application based on the following remarks.

### *Claim Rejections – 35 USC § 101*

Claims 1-6 are rejected under 35 USC § 101, alleging that the claimed invention is directed to non-statutory subject matter. To the extent the rejection remains applicable to the claims as amended, Applicants respectfully traverse this rejection as follows.

Amended claims 1 and 3 recite “generating at a content server a broadcast session” and amended claim 5 recites “periodically receiving at a mobile device.” Applicants respectfully submit the method steps are tied to an apparatus, a content server and a mobile device, respectively.

Therefore, based on the foregoing, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-6 under 35 USC § 101.

### *Claim Rejections – 35 USC § 103*

Claims 1-11 are rejected under 35 USC § 103(a) as being obvious over Gagnon et al., (European Patent No. 1 024 661) in view of Lahr\* (U.S. Patent Application Publication No. 2002/0023165). To the extent the rejection remains applicable to the claims as amended, Applicants respectfully traverse this rejection as follows.

**\*NOTE:** It appears a typographical error occurred in the Office Action and the rejection should have listed U.S. Patent Application Publication No. 2002/0023165 to Lahr instead of U.S. Patent No. 6,510,515 to Raith, as the Examiner’s arguments refer to Lahr rather than Raith.

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<sup>1</sup> See, e.g., Specification, paragraphs [1059]-[1064] and [1097], and Figs. 22 and 23.

Applicants are traversing the rejection based upon this understanding.

To establish a *prima facie* case of obviousness, all of the claimed features must be taught or suggested by the references and there must be some suggestion or motivation, in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.<sup>2</sup>

Referring to claim 1, for example, which recites in a wireless communication system supporting a broadcast service, a method including at least the following combination of features: "generating at a content server a broadcast session for transmission on a broadcast transmission channel; interleaving broadcast overhead information with broadcast content comprising payload data wherein the broadcast overhead information provides information for decoding the payload data of the broadcast session; and transmitting the broadcast session with the interleaved broadcast overhead information in-band on the broadcast transmission channel."

The Office Action, on page 4, admits that Gagnon fails to disclose "the broadcast overhead provides information for processing payload data of the broadcast session" and relies on Lahr to cure this deficiency.

Lahr, in paragraph [0052], discloses "RTP is used for transmitting real-time data such as audio and video...[and the] RTP add[s] header information that is separate from the payload (e.g., content to be distributed) that can be used by the receiver." Further, Lahr, in paragraphs [0061] and [0062], discloses broadcasting "the header information, as well as the payload data." However, Lahr does not disclose or suggest "interleaving broadcast overhead information with broadcast content comprising payload data, wherein the broadcast overhead information provides information for decoding the payload data of the broadcast session," as recited in claim 1.

Instead, Lahr, in paragraph [0062], discloses "[i]nformation for the negotiation process (e.g., bit rate, method of decoding broadcast payload information in bi-directional communication, reason for connecting, and so on) is therefore provided on a periodic and dynamically updated basis, as opposed to on a payload basis from the original source."

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<sup>2</sup> MPEP, section 2142.

(Emphasis added). Thus, Lahr teaches away from "interleaving broadcast overhead information with broadcast content comprising payload data, wherein the broadcast overhead information provides information for decoding the payload data of the broadcast session," as recited in claim 1, and instead teaches the information for decoding broadcast payload information is transmitted separately from the payload information.

For at least the above reasons, Applicants submit claim 1 is allowable over the cited references. Applicants submit claims 3, 5 and 7 are also allowable over the cited references for similar reasons.

As claims 1, 3, 5 and 7 are allowable, claims 2, 4, 6 and 8-11, which depend from claims 1, 3, 5 and 7, respectfully, are likewise allowable for at least the same reasons, as well as for the additional features recited therein.

Therefore, based on the foregoing, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-11 under 35 USC § 103(a) as being obvious over Gagnon in view of Lahr.

#### *New Claims 12-18*

Applicants have added new claims 12-18 to recite subject matter to which they are entitled. As noted above, these new claims are fully supported throughout the Specification.

In particular, claims 12, 13, 18 and 19 respectively depend from one of independent claims 1 and 3, which are believed to be patentable over any combination of the cited references, as discussed above. Thus, for at least the same reasons, claims 12, 13, 18 and 19 are also non-obvious and patentably distinguishable over the cited prior art references.<sup>3</sup>

Further, Applicants submit claim 14 is allowable over the cited references for similar reasons as claims 1, 3, 5 and 7. For example, there is no combination of the cited references that discloses or suggests an apparatus including at least the following combination of features "means for interleaving broadcast overhead information with broadcast content comprising

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<sup>3</sup> MPEP 2143.03.

Application No. 09/933,914  
Amendment dated 04/30/2009  
Reply to Office Action of January 2, 2009

payload data wherein the broadcast overhead information provides information for decoding payload data of the broadcast session; and means for transmitting the broadcast session with the interleaved broadcast overhead information in-band on the broadcast transmission channel.”

As claim 14 is allowable, claims 15-17, which depend from claim 14, are likewise allowable as well as for the additional features recited therein.

Therefore, Applicants respectfully request that the Examiner allow claims 12-18.

Application No. 09/933,914  
Amendment dated 04/30/2009  
Reply to Office Action of January 2, 2009

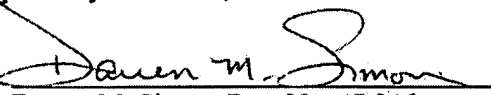
### CONCLUSION

In light of these remarks, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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